

REMARKS

Claims 1 – 7, 11 – 18 and 22 – 24 were pending in the present application. Claims 1, 3 – 11, 13 – 22 and 24 have been amended. Claims 28 – 36 have been added. Therefore, claims 1 – 7, 11 – 18 and 22 – 36 remain pending.

Support for the amendment to claims 1, 11 and 22 is provided at least in paragraphs [0026] – [0028] of the specification. Support for new claims 28 – 30 is also provided at least in paragraphs [0026] – [0028] of the specification. Support for new claims 31 and 32 is provided at least in Fig. 3 and the accompanying description in the specification (see, e.g., paragraph [0018] et seq.), as well as in paragraph [0028]. Support for new claim 33 is provided at least in paragraph [0038] of the specification. Support for new claims 34 and 35 is provided at least in paragraph [0032] of the specification. Support for new claim 36 is provided at least in Fig. 7 and the accompanying description in the specification – see, e.g., paragraph [0037].

Claims 1, 3, 6, 7, 11, 13, 16, 18, 22 and 24 were rejected under 35 U.S.C 102(e) as being anticipated by Umberger et al. (U.S. Patent 6,898,667, hereinafter, ‘Umberger’). Claims 2, 12 and 23 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Umberger in further view of Singhal (U.S. Patent 6,898,667). Claims 4, 14 and 17 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Umberger in further view of Gross et al. (U.S. Publication 2004/0143569, hereinafter, ‘Gross’). Claims 5 and 15 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Umberger in further view of Cabrera et al. (U.S. Patent 5,953,729, hereinafter, ‘Cabrera’).

Claim 1 recites a method comprising, in part, “a data management process performing one or more I/O operations dependent upon a plurality of metrics, wherein said performing includes determining a scheduling of at least one I/O operation of the one or more I/O operations using a specified weight assigned to the first metric relative to the second metric”. Applicant can find no teaching or suggestion in either Umberger, Singhal, Gross or Cabrera, taken singly or in combination, of the combination of

limitations recited in claim 1. Accordingly, claim 1 is believed to patentably distinguish over the art cited by the Examiner. Independent claims 11 and 22 recite limitations using language similar to that of claim 1, and are therefore also believed to be in condition for allowance for similar reasons.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-12900/BNK.

Respectfully submitted,



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